

REMARKS

In response to the Office Action mailed on January 18, 2007, the application is hereby amended in accordance with the accompany listing of claims. Four (4) claims remain active for examination.

AMENDMENTS

Claims 1 and 3 are amended to recite that the administration schedule have a “target end date” and that “incrementally decreasing amounts of said neurotoxin composition at each of said time intervals” be “counterbalanced by an increase in their frequency so as to maximally rest the skin while more normal motion is achieved, maintaining benefits of said rest during a prolonged period of treatment.” See specification at p. 5, lines 1-5.

Claims 2 and 4 recite the generic term for the product identified with the registered trademark BOTOX. See application at p. 2, line 6.

The subject matter contained in the amended claims is properly supported in the specification, and no new matter has been set forth.

Claims 5 and 6 are being withdrawn from consideration, without prejudice or disclaimer. Applicant reserves the right to file a divisional application directed to the subject matter of the withdrawn claims.

RESPONSE TO RESTRICTION REQUIREMENT

The Examiner requires restriction between the claims of Group I (claims 1 & 2), Group II (claims 3 & 4) and Group III (claims 5 & 6). Applicant hereby withdraws the claims of Group III.

Applicant respectfully traverses the restriction requirement with respect to Groups I and II. Applicant submits that the Examiner’s Action mischaracterizes the

claims of Group II as being distinct from the claims of Group I. The elements recited are the same in claims 1 and 3. Although certain positive recitations of claim 1 appear in the preamble of claim 3, that difference does not make the subject matter of claim 3 an independent and distinct invention from that of claim 1. In the event that Applicant's traversal is not accepted, Applicant provisionally elects Group I.

The Examiner requires an election of species. Applicant respectfully traverses the election requirement, as only a single species is recited. Applicant provisionally elects as species the neurotoxin of botulinum toxin type A. All claims in the case read on the elected species.

CONCLUSION

Applicant respectfully submits that the present response addresses all issues raised by the Examiner and that the application is in condition to be examined on the merits. If the Examiner finds that any further questions remain, he is invited to phone Applicant's undersigned patent attorneys.

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